(9)

IN THE HIGH COURT OF THE JUDICATURE AT JABALPUR

Writ Petition No. 5261 of 1998

PETITIONERS :1. Union of India through its Secretary. Ministry of Personnel and Public Grievances and Pensions, Deptt of Pension & Pensioners Welfare Nirwachan Bhawan, Patel Chowk New Delhi.

:2. Commandant and Officer-in-Charge Central Ordnance Depot, Delhi Cantt &

:3. Controller of Defence (Accounts) Allahabad (UP)

Versus -

RESPONDENTS

1. Ramchand Sud, age about 72 years, S/O Late Lala Gurmal Sud, Retd Section Officer, Bhilai Steel Plant, Bhilai, R/O Block No. 14, Plot No 15, Nehru Nagar (East), Bhilai, Distt, Durg (MP)

:2. Managing Director Bhilai Steel Plant, Bhilai and

:3. Registrar, Central Administrative Tribunal Jabalpur Bench, Jabalpur

Petition under Article 226/227 of the Constitution of India

Deletion made and Amendment incorporated as per order dtd 25/6/03

for Smt. A.S. Gahunwar STCGSC. 9/7/03

THE HIGH COURT OF

Writ Peti

TITIONERS :1.

:2.

3.

(A) Manju Modi wife of Satish Modi aged 45 years resident of 621, Sundernagar Raipur, Distt. Raipur C.G.

(B) D. Rajesh Sud son of Ramchandra Sud aged 43 years resident of 28/6 Neharunagar East Bhilai Distt. Durg C.G.

(C) C.G., C. Yogesh Sud son of Ramchandra Sud aged 39 years resident of 15/14 Neharunagar East Bhilai Distt. Durg C.G.

RESPONDENTS

Petition under Ar

1. Particulars

2. Particular

3. Particular
is made :-
Order pas
Review or
No 13/98
Jabalpur

XI-HC-22

(69)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

# आदेश पत्रक

मामला क्रमांक WP 5261 सन् ~~200~~ 98

विरुद्ध

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|

DIVISION BENCH: -
HON'BLE SHRI K.H.N. KURANGA, CJ
& HON'BLE SHRI L.C. BHADOO, J.

25.6.2003:

Shri A.S.Gaharwar Standing Counsel for the Union of India appears for the petitioners.

Shri H.B.Agrawal counsel for respondent no.1.

Heard on IA No. 5192/2003 which has been filed by respondent No.1. It is stated in the application that respondent No.1 has died on 4.4.2003 leaving behind the legal heirs mentioned in the application namely Manju Modi wife of Satish Modi - daughter of respondent No.1, Rajesh Sud son of Ramchand Sud and Yogesh Sud son of Ramchand Sud.

Learned counsel for the petitioners has no objection in allowing this application. Therefore, the application IA No. 5192/2003 is allowed. The petitioner to amend the cause title.

This writ petition arises out of the judgment dated 19.2.98 passed by the Central Administrative Tribunal, Jabalpur, by which the learned Tribunal following the earlier decision allowed the applications namely OA No. 744/95 filed by Balakram Sharma, OA No. 278/96 filed by Jagdish Chakerverti, O.A. No. 326/96 filed by Govind Prasad Dubey, O.A. No.327/96 filed by Ramchand Sud, OA No. 328/96 filed

(70)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर



# आदेश पत्रक

मामला क्रमांक W.P. 5261 सन् ~~200~~ 98

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by Trimback Moreshwar Fattekhani, O.A. No. 411/96 filed by Padmakar Balwant Amolik, O.A. No. 425/96 filed by O.P. Joshi, O.A. No. 434/96 filed by Preetam Singh, O.A. No. 435/96 filed by Benjamin George Mathias, O.A. No. 457/96 filed by Rajendra Prasad Vaid and O.A. No. 679/96 filed by Raghunandan, for giving the pro rata pensionary benefits to the petitioners as has been extended to the similarly placed persons by the decision of the Apex Court in the case of T.S. Thiruvengadam Vs. Secretary to the Government of India, Ministry of Finance, Department of Expenditure, New Delhi and others.

This matter is covered by the judgment of the M.P. High Court passed in Writ Petition No. 5311/99 on 14.2.2002 (Union of India and others Vs. Raghunandan Shukla and others) and in other connected writ petitions by which the High Court of M.P. dismissed the writ petition filed by the Union of India under Articles 226/227 of the Constitution of India and affirmed the decision of the Tribunal following the earlier judgment passed in writ petition No. 2397/2000.

This matter is covered by the earlier decision and counsel for both the parties agree to it. Therefore, in view of the aforesaid decision we are of the opinion that there is no force in the petition and the petition is liable to be dismissed. It is accordingly dismissed.

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(71)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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| | It is made clear that all the pensionary benefits, which respondent No.1 was entitled to receive, these legal heirs shall also be entitled to receive the same in terms of the tribunal's order.<br>The petitioners are directed to comply with the tribunal's order within two months from today.<br>**Sd/-**<br>**Chief Justice**<br>**Sd/-**<br>**L.C. Bhadoo**<br>**Judge** | |